

INDIANA UTILITY REGULATORY COMMISSION 302 W. WASHINGTON STREET, SUITE E-306 INDIANAPOLIS, INDIANA 46204-2764 http://www.state.in.us/iurc/ Office: (317) 232-2701 Facsimile: (317) 232-6758

## **FILED**

COMPLAINT OF INDIANA BELL TELEPHONE	)	FEB <b>0 2</b> 2005
COMPANY, INCORPORATED ("AMERITECH	)	
INDIANA," "SBC") THAT AT&T	)	INDIANA UTILITY
COMMUNICATIONS OF INDIANA, GP AND	)	REGULATORY COMMISSION
TCG INDIANAPOLIS ("AT&T") HAS AND IS	)	
ENGAGING IN UNREASONABLE ACTS AND	)	<b>CAUSE No. 42288</b>
PRACTICES IN THE PROVISIONING OF SERVICE	)	
IN VIOLATION OF I.C. § 8-1-2-69 AND REQUEST	)	
THAT THE COMMISSION ESTABLISH JUST	)	
AND REASONABLE PROVISIONING ACTS AND	)	
PRACTICES TO BE FOLLOWED BY AT&T	)	
IN THE FUTURE	)	

You are hereby notified that, on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On September 10, 2002, the Petitioner, Indiana Bell Telephone Co., Inc. ("Ameritech Indiana," "SBC Indiana"), filed its Petition requesting the Commission investigate and address certain acts and practices by AT&T Communications of Indiana and TCG Indianapolis (AT&T). SBC Indiana asserts that AT&T has committed practices that violate existing provisioning service arrangements.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference was held on October 20, 2002. SBC Indiana, AT&T and the Office of Utility Consumer Counselor ("Public"). A Prehearing Conference Order, dated November 6, 2002, outlined the prefiling and response dates, the date for the evidentiary hearing, and other procedural requirements. On December 11, 2002, the parties filed a *Joint Motion to Extend Procedural Schedule for a Period of Sixty Days* to explore a possible settlement; the Commission approved of the new filing dates and rescheduled the hearing date. A second agreed motion to extend the procedural schedule was filed in January 2003; a third agreed motion was filed in March 2003.

An evidentiary hearing was scheduled, with notice given to the public, for April 9, 2003, in Room IGSC E-306, Indiana Government Center South, Indianapolis, Indiana. The hearing was continued to August 5, 2003.

SBC Indiana submitted their motions by the prefiling deadline of March 31, 2003. As settlement proposals were exchanged, AT&T submitted a *Motion for Enlargement of Time*, which proposed an extension of its prefiling deadline of May 21, 2003 and proposed yet another extension of the procedural schedule. The Public did not object to AT&T's motion. On June 26,

2003, the Commission granted an extension to AT&T and allowed an extension of two weeks to all parties and the Public, however, maintained the August 5, 2003 hearing date.

On June 19, 2003, AT&T submitted its Motion to Dismiss Or, In The Alternative, Motion for Summary Judgment. On July 19, 2003, SBC Indiana filed a Verified Response in Opposition to AT&T's Motion to Dismiss, Or In The Alternative, Motion for Summary Judgment and AT&T's Enlargement of Time.

The evidentiary hearing scheduled for August 5, 2003, was not continued. To date, the Commission, at its initiative, has rescheduled the continued hearing on three separate occasions. The parties agreed to each hearing date, but postponed each date in order to pursue settlement options.

The Presiding Officers, having reviewed the record herein and being duly advised in the premises, now find:

This entry serves as notice pursuant to 170 I.A.C. 1-1.1-24 that this matter shall be dismissed.

IT IS SO ORDERED.

Date: 2-2-0.5

ydith G. Ripley, Commissioner

orraine Hitz-Bradley, Administrative Law Judge